



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,538	09/28/1999	RICHARD ALAN DIEDRICH	RO999114	2884

7590 12/03/2002

GERO G MCCLELLAN
THOMASON MOSER & PATTERSON
3040 POST OAK BOULEVARD SUITE 1500
HOUSTON, TX 77056

EXAMINER

ROMERO, ALMARI DEL CARMEN

ART UNIT PAPER NUMBER

2176

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/407,538

Applicant(s)

DIEDRICH ET AL.

Examiner

Almari Romero

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This action is responsive to communications: Application filed on 9/28/99 and the IDS filed on 9/28/99 and 7/10/00.
2. Claims 1-34 are pending in the case. Claims 1, 19, and 27 are independent claims.

Drawings

3. The formal drawings were received on 9/28/99 and were approved by the Draftsman.

Information Disclosure Statement

4. The references listed in the Information Disclosure Statements filed on 7/19/99 and 10/19/99 have been considered.

Specification

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 3, line 13 and page 15, line 24. Applicant is suggested to add left and right brackets or quotation marks on each side of hyperlink to deactivate hyperlink or Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 19-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen (USPN 5,813,007 – filed on 9/1998).**

Regarding independent claim 19, Nielsen discloses:

A method, comprising:

(a) storing a bookmark network information address having information associated therewith in a data structure (on col. 1, lines 29-40: teaches storing URL's for user-selected web pages as a bookmark);

(b) scanning the information for one or more embedded network information addresses, wherein if any embedded network information addresses are found, storing the embedded network information addresses in the data structure addresses (col. 3, lines 1-16: teaches embedded hypertext links in web page to access different web pages and bookmarking each web page of interest); and

(c) periodically determining whether the bookmark network information address has changed, wherein if the bookmark network information address has changed, determining whether a forwarding network information address is provided, and wherein if the bookmark network information address has not changed, determining whether the information has changed (on col. 11, lines 38-67 and col. 12, line 43 – col. 13, line 3: teaches determining if URL has

Art Unit: 2176

changed, the maintainer forwards the new URL to the user, and determining if web page has been modified).

Regarding dependent claim 20, Nielsen discloses:

further comprising performing (c) at a user-defined frequency (col. 8, lines 55-61: teaches web page maintainer determine when sufficient change has been made to a web page).

Regarding dependent claim 21, Nielsen discloses:

wherein periodically determining whether the bookmark network information address has changed comprises attempting to download the information (col. 11, lines 38-67: teaches attempting to access web page in the WWW server).

Regarding dependent claim 22, Nielsen discloses:

wherein the bookmark network information address is a URL and the information is an HTML document (col. 1, lines 29-40: teaches bookmark).

Regarding dependent claim 23, Nielsen discloses:

wherein periodically determining whether the bookmark network information address has changed comprises loading the bookmark network information address from the data structure and attempting to locate the information on a server, wherein a successful attempt indicates that the bookmark network information address has not changed and an unsuccessful attempt indicates that the bookmark network information address has changed (col. 11, lines 38-67: teaches attempting to access web page with given URL to the WWW server).

Regarding dependent claim 24, Nielsen discloses:

wherein if (c) indicates that the bookmark network information address has changed, and if the forwarding network information address is provided, replacing the bookmark network

Art Unit: 2176

information address in the data structure with the forwarding network information address(col. 12, line 43 – col. 13, line 3: teaches replacing stored URL with forwarded URL of modified web page); and if the forwarding network information address is not provided, replacing the bookmark network information address in the data structure with a path name associated with a temporary document containing the one or more embedded network information addresses (col. 12, line 43 – col. 13, line 3: teaches replacing stored URL as a bookmark with URL of modified web page (temporary document)).

Regarding dependent claim 25, Nielsen discloses:

wherein if (c) indicates that the bookmark network information address has not changed, determining whether the information has changed (col. 3, lines 38-53: teaches determining if bookmarked web pages has been changed).

Regarding dependent claim 26, Nielsen discloses:

wherein determining whether the information has changed comprises comparing a first date stored in the data structure to a second date returned by a server (col. 3, lines 38-53: teaches based on date and time of web page stored as bookmark can be compared with data and time of a recent modified web page).

Regarding independent claim 27, Nielsen discloses:

A signal bearing medium for storing a program that when executed by a computer performs a method comprising, steps of:

(a) downloading a. bookmark network information address having information associated therewith (col. 1, lines 29-40: teaches bookmark comprising web page with URL);

(b) storing the bookmark network information address in a data structure (col. 1, lines 29-40: teaches storing URL);

(c) scanning the information for one or more embedded network information addresses, wherein if any embedded network information addresses are found, storing the embedded network information addresses in the data structure (col. 3, lines 10-16: teaches web pages with embedded hyperlinks and storing web page of interest with a bookmark); and

(d) periodically determining whether the information is retrievable at the bookmark network information address, wherein:

(i) if the information is not retrievable at the bookmark network information address, determining whether a forwarding network information address is provided, wherein if the forwarding network information address is provided, replacing the bookmark network information address in the data structure with the forwarding network information address (on col. 11, lines 38-67 and col. 12, line 43 – col. 13, line 3: teaches determining if URL has changed, the maintainer forwards the new URL to the user, and determining if web page has been modified), and wherein if a forwarding network information address is not provided, generating a backup document containing the embedded network information addresses stored in the data structure (col. 14, lines 2-5: teaches providing newly un-bookmarked web page); and wherein

(ii) if the information is retrievable at the bookmark network information address, determining whether the information has changed, wherein if the information has changed, repeating (c) (col. 3, lines 38-53: determining of web page has changed).

Regarding dependent claim 28, Nielsen discloses:

wherein determining the bookmark network information address is a URL (col. 1, lines 29-40: teaches URL).

Regarding dependent claim 29, Nielsen discloses:

wherein determining the information is an HTML document (col. 2, lines 44-52: teaches HTML).

Regarding dependent claim 30, Nielsen discloses:

wherein determining the information has changed comprises comparing a first date stored in the data structure to a second date returned by a server (col. 3, lines 38-53: teaches based on date and time of web page stored as bookmark can be compared with data and time of a recent modified web page).

Regarding dependent claim 31, Nielsen discloses:

wherein the bookmark network information address identifies a server computer connected to a client computer, and wherein the program is located on the client computer (col. 8, lines 34-53: teaches WWW server, WWW browser (client)).

Regarding dependent claim 32, Nielsen discloses:

wherein the client computer and the server computer are the same computer system (col. 8, lines 34-53: teaches WWW browser (client) and WWW server can be the same computer).

Regarding dependent claim 33, Nielsen discloses:

wherein the client computer and the server computer comprise different computer systems connected by a network (col. 8, lines 34-53: teaches WWW browser (client) and WWW server connected to the network).

Regarding dependent claim 34, Nielsen discloses:

wherein the data structure is stored on the client computer (col. 1, lines 29-40: teaches bookmark system in WWW browser application (client).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (USPN 5,813,007 – filed on 9/1998).**

Regarding independent claim 1, Nielsen discloses:

A method of verifying a bookmark, comprising the steps:

(a) storing a first network information address having information associated therewith in at least a first data structure as a bookmark (on col. 1, lines 29-40: teaches storing URL's for user-selected web pages as a bookmark); and

(b) determining whether the first network information address is retrievable by automatically searching for the information located at the first network information address, wherein the first network information address is retrievable if the first network information address is located, and wherein if the first network information address is retrievable (on col. 11, lines 38-67 and col. 12, line 43 – col. 13, line 3: teaches determining if URL is available or

Art Unit: 2176

accessible for retrieval to the WWW server and determining whether URL of the modified web page matches with the stored URL (1st network information address).

However, Nielsen does not explicitly disclose “determining whether the information has been moved to a second network information address different from the first network information address”.

Nielsen on col. 12, lines 15-67: teaches the maintainer of the web page has modified the web page including a new URL (2nd network information address) different from the stored URL (1st network information address).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Nielsen to incorporate a modified web page with a new URL to replace the stored URL as a way of the information being moved to a second network information address (new URL) different from first network information address (stored URL) in order to provide a useful method/system for automatically indicating when bookmarked information as changes.

Regarding dependent claim 2, Nielsen discloses:

wherein the first network information address is a Uniform Resource Locator (URL) (col. 1, lines 29-40: teaches URL).

Regarding dependent claim 3, Nielsen discloses:

wherein the information located at the first network information address is a Hypertext Markup Language (HTML) document (col. 2, lines 44-52: teaches HTML).

Regarding dependent claim 4, Nielsen discloses:

wherein (b) is performed at a user-defined frequency (col. 8, lines 55-61: teaches web page maintainer determine when sufficient change has been made to a web page).

Regarding dependent claim 5, Nielsen discloses:

wherein if the information has been moved to the second network information address, replacing the first network information address in the first data structure with the second network information address (col. 12, line 43 – col. 13, line 3: teaches replacing stored URL with URL of modified web page).

Regarding dependent claim 6, Nielsen discloses:

wherein determining whether the information has been moved to the second network information address comprises scanning source code of the information for embedded hypertext links and detecting only a single hypertext link (col. 3, lines 1-16: teaches user follows links within a web page to reach desire information).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Nielsen to incorporate a modified web page with a new URL to replace the stored URL as a way of the information being moved to a second network information address (new URL) different from first network information address (stored URL) in order to provide a useful method/system for automatically indicating when bookmarked information as changes.

Regarding dependent claims 7 and 9, Nielsen discloses:

determining whether the information has changed comprising comparing a stored first date to a second date returned by a server, wherein the first date is stored during step (a) (col. 3,

Art Unit: 2176

lines 38-53: teaches based on date and time of web page stored as bookmark can be compared with data and time of a recent modified web page).

Regarding dependent claim 8, Nielsen discloses:

wherein if the information has not been moved to the second network information address, determining whether the information located at the first network information address has changed (col. 3, lines 38-53: teaches determining if bookmarked web pages has been changed).

Regarding dependent claim 10, Nielsen discloses:

the first data structure has at least a first data field related to the first network information address (col. 3, lines 38-53: teaches bookmark comprises URL).

Regarding dependent claim 11, Nielsen discloses:

further comprising, prior to (b), scanning the information for one or more embedded network information addresses, wherein if any embedded network information addresses are found, storing each embedded network information address in a second data structure containing one or more second data fields which relate to the embedded network information addresses (col. 3, lines 1-16: teaches embedded hypertext links in web page to access different web pages and bookmarking each web page of interest).

Regarding dependent claim 12, Nielsen discloses:

wherein the first data structure and the second data structure are the same (on col. 9, lines 14-42: teaches bookmark has changed however has the same bookmark label or web page title).

Regarding dependent claim 13, Nielsen discloses:

(c) generating a verification table containing the first data field and the one or more second data fields (col. 12, lines 15-67: teaches verifying records in a database).

Regarding dependent claim 14, Nielsen discloses:

further comprising, prior to (b), scanning the information for one or more embedded network information addresses, wherein if any embedded network information addresses are found, storing each embedded network information address in the first data structure (col. 3, lines 1-16: teaches user can scan embedded hypertext links in a web page to bookmark each linked web page of interest).

Regarding dependent claim 15, Nielsen discloses:

wherein (b) comprises attempting to download the information located at first network information address, wherein a successful attempt indicates that the first network information address is retrievable and an unsuccessful attempt indicates that the first network information address is irretrievable (col. 11, lines 38-67: teaches attempting to access web page with given URL to the WWW server).

Regarding dependent claim 16, Nielsen discloses:

wherein if the information has been moved to the second network information address, replacing the first network information address in the first data structure with the second network information address (col. 12, line 43 – col. 13, line 3: teaches replacing stored URL with URL of modified web page); and if the information has not been moved to the second network information address, replacing the first network information address in the first data structure with a temporary document containing the one or more embedded network information addresses

Art Unit: 2176

(col. 12, line 43 – col. 13, line 3: teaches replacing stored URL as a bookmark with URL of modified web page (temporary document)).

Regarding dependent claim 17, Nielsen discloses:

wherein if (b) indicates that the first network information address is retrievable, determining whether the information has changed (col. 3, lines 38-53: teaches determining if bookmarked web pages has been changed).

Regarding dependent claim 18, Nielsen discloses:

wherein determining whether the information has changed comprises comparing a first date stored in the first data structure to a second date returned by a server (col. 3, lines 38-53: teaches based on date and time of web page stored as bookmark can be compared with data and time of a recent modified web page).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5,963,964 – Nielsen – filed on 4/1996

USPN 5,978,828 – Greer et al. – filed on 6/1997

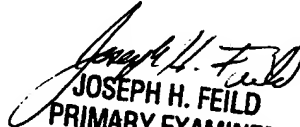
Art Unit: 2176

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Romero whose telephone number is (703) 305-5945. The examiner can normally be reached on Mondays - Fridays (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AR
November 27, 2002


JOSEPH H. FEILD
PRIMARY EXAMINER